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CHARLES POULETT THOMSON,

GOVERNOR GENERAL OF HER MAJESTY'S PROVINCES IN
NORTH AMERICA.

The following considerations in relation to a federal union of all Her Majesty's Possessions in North America are respectfully submitted by His Excellency's humble servant, under the signature of

CHATHAM.

Dec. 6th, 1839.

UNION OF THE BRITISH PROVINCES IN AMERICA.

THE following reflections and measures, for the future government of Her Majesty's American Possessions, were drawn up and submitted at the latter end of the year 1837, to a gentleman who is among the most eminent at the Montreal Bar, in order to their being forwarded to Her Majesty's Secretary of State for the Colonial Department; but events having arisen which prevented their completion, and the Earl of Durham having assumed the office of Governor General of Canada, the sketch was placed in the hands of an attaché of his Lordship, together with other documents which had special relation to Lower Canada. That Lord Durham's measure of a federal union proceeded in any degree from these suggestions, the author does not pretend to say.

REBELLION IN THE CANADAS.

QUERE. *What is now to be done?* [Dec. 1837.]

PRELIMINARY CONSIDERATIONS.

1. That alienation from British rule has become an object more deeply fixed in the minds of many, in both Provinces, must be kept in view in considering the question.

2. That powerful external aid, not heretofore calculated upon, is henceforth to be regarded as auxiliary in throwing off that Rule in the Canadas.

3. That the increase of population will strengthen the party which is opposed to that arrogance of official rank so obnoxious in the Colonies, and chief cause of discontent.

4. That there is a conviction on the part of the landed proprietors in Upper Canada, who should be regarded as "The People," from comparing their situation with that of the citizens in the adjoining States of the Republic—that, in case of separation from Great Britain, the value of their lands would be increased; and they are led to the question of "Why should they fight and continue to be harrassed to sustain an authority which governs through an obnoxious party? Through a party which usurps all authority, and renders official influence oppressive to all who dare oppose its measures?"

Moreover, one and all are impressed with the conviction, from the *course pursued*, that sooner or later, this separation will take place, and that those who oppose it must expect the forfeiture of their lands, as was the case in that rebellion of the States, now called "The Revolution." And though the emigrants who are recently from the mother country are strong in their feelings of attachment and loyalty, as they have proved by their turning out to repel the late rebellion—yet, unless those measures and that rule which retards the prosperity of the Province, be abandoned, and the removal of all disabilities and distinctions on account of religious belief be effected, the connexion will not be maintained, except at an expense of twenty thousand troops, and upon terms hateful to every truly loyal Briton. This will not long be borne, and must prevent imigra-

tion, as people will not settle in a country held only at the point of the bayonet.

Various considerations might be adduced to show that if England is not satisfied to possess the sovereignty of her North American Possessions, so as thereby to render them effective to strengthen the empire, they will not be retained beyond the present generation, if even so long. The contrast is so manifest between the state of Her Majesty's Colonies and that of the United States, as may be seen in passing from the one to the other, in their railways, canals, general enterprize, and in the influx of British capital, the last of which is largely aiding the improvements in the Republic, and for which not a few will suffer from their misplaced confidence in democratic honor; whilst the lands of the Republic will be found much inferior in soil and proximity to navigation to those of the Colonies, yet alone differing, the one being under British and the other under local rule.

And should not the comparison rouse every British feeling to put down a system of misrule so humiliating in its effects, and those men who have produced the humiliating contrast? This pernicious system has become so interwoven with every existing arrangement in the Provinces, that no Governor has been able either to overthrow or resist it. After partial struggles they have found it more convenient to yield than to oppose, when it was found that the party had openly braved the ministry for years.

Some of the Governors, while *all* were actuated by the best intentions, have effected certain good; but there has not been one but has been thwarted, if he attempted to carry measures opposed by the aristocracy of office and power in the Province.

To overthrow or to shake off this incubus of deep-rooted power, is almost impracticable; but, to render it less baneful, and as the only means ultimately to destroy its influence as well as colonial distinctions, I would propose the following change in the government of Her Majesty's North American Colonies. The details it would be superfluous to set forth here, but they are kept fully in view while I exhibit merely the outline; as suggestions and modifications must necessarily arise,

although they may not affect the general principle. Nor do I consider *my* plan the only one to be pursued; but, as some change must take place, it is not amiss to weigh different opinions.

PROPOSED MEASURE.*

That all Her Majesty's Possessions in North America shall form one general confederacy with an appropriate title, such as "The British North American States," or as keeping up British feeling, "British North American United States."

That the several Provinces as at present designated, shall retain their several Houses of Assembly with all the privileges at present enjoyed, but the qualification of members shall be subject to the regulations which shall be adopted from time to time, by the General Federal Parliament. These several assemblies shall confine their acts of legislation to their respective Provinces, but previous to such becoming law, they shall be approved by the Federal Parliament hereafter described, and by the Viceroy or Governor General.

That the Federal Parliament shall be regarded in the light of a House of Lords, or, a Legislative Council, and shall be composed of such members only as shall possess landed or other property, to an amount to be designated,—though I wish the qualification during the first ten years to equal £5,000, in lands or property, free and above all demands; reserving to the Crown the right to alter and amend the qualification at the end of every ten years. The members of such Federal Parliament to have an honorary distinction, such as that of being denominated during their term, *Barons*.

That the members (or Barons) of the Federal Parliament shall be chosen by resident freeholders, possessing, and in the actual occupancy of one hundred acres, or otherwise property of the unincumbered clear value of £500.

That those counties or districts which at present return two members to the House of Assembly, shall return one (Baron,) and those counties or districts which return but one member to the House of Assembly, such shall be united to the adjoin-

*This is not deemed the most perfect or desirable system, but applicable to the present state of the countries to which it refers.

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That in each of the Provinces the Speaker of the House of Assembly shall reside at the capital, or place of meeting of the Provincial Assembly, with a suitable salary to uphold the dignity of the station; and that he shall be regarded as the President of the Executive, to whom shall be associated two Councillors, with a Provincial Secretary, to be nominated by the Viceroy; such to be regarded as the Executive of the Province, to whom all matters should be addressed.

That the appointment of the Viceroy or Governor General, the Judges, the Attorney and the Solicitor General, shall ever remain in the Crown, and that of all the Provincial Officers in the Viceroy or Governor General, as hereinafter set forth.

That the civil list shall be vested in the Crown by the Federal (Baronial) Parliament, during the reign of the Sovereign. The Judges not to be removable except upon impeachment, and after trial and conviction before the Federal (Baronial) Parliament, or upon their own resignation of office.

That the Provincial Legislative Assemblies shall annually return the names of three persons residing within the respective districts for which they are to be nominated Sheriff; from whom the Executive of the said Province shall return one for the approbation of the Viceroy. Such persons only, to be eligible, for the office of Sheriff; and the appointed person may hold the office during three consecutive years; but such Sheriff shall not be eligible for reappointment to the same district, until the lapse of three years.

That all Municipal Offices, as such become vacant in the several Provinces, shall be filled by persons nominated by the Provincial Executive, upon approval of the Viceroy.

That all Salaries and Fees to be paid and taken in the several departments, shall, after being arranged by the several Provincial Assemblies, be submitted for approval to the Federal (Baronial) Parliament, and to the Viceroy.

That the appointment of Magistrates in future, in each Province, shall be vested in the Provincial Executive, upon

approval by the Viceroy ; and that no Magistrate shall be removed but by impeachment before, and order of, the Federal (Baronial) Parliament. Members of Assembly and Barons to vacate their seats on acceptance of office, but eligible for re-election.

That the following shall be applicable to Lower Canada only, viz :

1. That all persons who shall henceforth be appointed Judges, Magistrates, Sheriffs, Officers connected with, or holding appointments in the administration of justice, shall be eligible in case only that they are fully qualified to fulfil the duties of their respective offices, in both the English and French languages ; such condition to remain in force until the year 1860, as to the French language.

2. That all Officers of Militia, above the grade of Captain, shall be conversant in both the English and French languages ; and, after the year 1850, all inferior Officers shall be eligible, only on being acquainted with both languages.

3. That all Criminals shall be indicted and tried in their vernacular tongue, and the juries in their several cases shall consist only of persons who understand the language of the prisoner. This regulation to remain in force until the year 1860, when the English language only is to be used.

4. That in all Suits at Law, the pleadings on records shall be in both languages, provided the parties shall require it, and that all juries shall consist of those only who understand the language of both plaintiff and defendant. This article to remain in force until the year 1850, from and after which the English language shall be regarded as that of the Courts, except as regards criminals, before stated.

5. That no person shall be eligible for election as a Member of the House of Assembly, from and after the year 1850, who is not conversant in the English language ; nor from the present time to the Federal (Baronial) Parliament, unless acquainted with the English language.

CONCLUDING REFLECTIONS.

By the proposed measure the present right of suffrage is not restricted, the place for the Provincial Assembly is not

changed, but a general or federal House of Parliament, appointed by the people, is substituted in place of the Legislative Council and thereby responsibility attained, as both branches of the Legislature become elective, yet forming part of the British Empire: The places of meeting of the federal legislation being successively at Halifax, Quebec, Toronto, and Fredrickton, on the first Tuesday in June of each year, whilst the Provincial Legislature should meet in January. The Viceroy to reside in either place, as may appear to him convenient, although it would be desirable that he spend some portion of each year in the places where the several Provincial Assemblies meet.

It is plain that the great object of a Federal Union is presumed to be attained by means of the Federal (Baronial) Parliament, which, being in one uniform, general, and consistent course of legislation, would work so that all the laws agreed on in the several Provincial Assemblies, would, in passing through the Federal Parliament, exhibit a British bearing, yet so harmonizing that no Province would possess distinct advantages not in accordance with the whole beneficial design.

It may perhaps be objected, that the proposed measure assimilates too nearly to the principle of the United States' form of government. The same kind of objection might be urged by the citizens of that Republic, that many of the measures which prevail in the United States have an affinity to those of England, yet they have been adopted; but it is contended that the proposed Federal Union avoids the evils of the United States, and fully attains the advantages of independence.

To those who may raise the above objection I reply, the difference is marked and distinctive, as to the Federation of the United States, and that contended for, as the several states in the former have their own *complete* legislature and executive, and hence they feel and act independently of each other. But the proposed measure differs essentially therefrom, and exhibits a feature eminently calculated to preserve union. The last named quality is not expected long to continue in the United States; arising from their Legislatures having distinct

legislative powers, and without union of legislation. This is provided for in the proposed "British United States," as all concur in the laws of each State, by their Representatives (the Barons) while, instead of twenty-six Governors or heads to sanction their laws, the "British United States" would have *one* head, viz. the Viceroy, and that too with an additional restraint to that of the local Parliament—the *Sovereign of England*, thereby also a responsible government.

A union of several independent states cannot be permanent; and no man conversant with the history of the world, and with the human mind, is to be found, who contemplates the continuance of the union of the Democratic Republican States of North America. The number of the British States is not too great; they are capable of consolidation, they have resources not inferior to those of the most favored parts of the globe, and while their connexions with England are fostered with a united liberal policy, no other country affords better founded hopes of independence and prosperity.

Whether my sentiments will be acted on or not, I presume not to say, but I have the satisfaction of knowing that they have the favorable opinion of some, who, did I mention their names, would appear worthy of consideration. I am not insensible of the various interests which will pervade a great number of influential honorable minds. Yet, while all these are worthy of regard to a due extent, they ought not to weigh in the opposite scale to that of the prosperity of the whole British connexion, nor to interfere with a perfect recognition of all Her Majesty's faithful subjects as equally worthy of royal favor, without respect to the various distinctions into which Christianity is divided.

This is the only principle which will retain British supremacy in the Provinces; *one* heart, *one* principle of union, *one* general rally round the throne, *one* general support of the standard which shall henceforth float over all Her Majesty's Possessions.

Such is the aim of a non-resident *land-holder* in both the Canadas.

CHATHAM.

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